

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

JOHN DOES 1 THROUGH 7,

Judgment Creditors,

v.

THE TALIBAN, AL-QAEDA,
and THE HAQQANI NETWORK,

Judgment Debtors.

Case No.: 3:20-mc-00206-FDW-DK

**[PROPOSED] ORDER GRANTING JUDGMENT CREDITORS' MOTION FOR
RELEASE OF FUNDS HELD BY GARNISHEE BANK OF AMERICA, N.A.**

Upon consideration of the Judgment Creditors' Motion for Release of Funds held by
Garnishee Bank of America, N.A., IT IS HEREBY:

ORDERED and ADJUDGED as follows:

1. Judgment Creditors' motion is GRANTED.
2. This Court has subject matter jurisdiction to administer post-judgment proceedings pursuant to TRIA.
3. The Court concludes that Judgment Creditors, through their extensive submissions, have established that:
 - a) they have obtained a judgment against terrorist parties (the Taliban, Al-Qaeda, and the Haqqani Network);
 - b) the judgment is based on an act of terrorism;
 - c) the assets which Judgment Creditors seek to execute on are "blocked assets" as that term is defined under TRIA;

- d) the total amount of the execution does not exceed the amount outstanding of the compensatory portion of the judgment; and
- e) VTB Bank Europe SE is an agency or instrumentality of the Taliban. Thus, the blocked assets of VTB Bank Europe SE are subject to attachment and execution pursuant to TRIA.
- f) On March 20, 2023, Judgment Creditors filed a motion seeking and this Court entered an Order granting the issuance of a Writ of Execution.
- g) On March 27, 2023, the Clerk of Court issued the Writ of Execution.
- h) On March 29, 2023, the Marshal served the Writ of Execution on Bank of America, N.A. in this District.
- i) Bank of America, N.A.'s response indicated that it held blocked assets of VTB Bank Europe SE in an amount less than the outstanding compensatory judgment held by Judgment Creditors.
- j) Judgment Creditors provided notice of these proceedings to VTB Bank Europe SE *via* Process Server on April 3, 2023. No further notice is required. *See* N.C. Gen. Stat. §1-360.1.
- k) Judgment Debtor the Taliban is in default in this proceeding and no further service upon it is required. Nonetheless, Judgment Creditors provided notice of these supplementary proceedings to the Taliban *via* Process Server on April 3, 2023.

4. Judgment Debtor the Taliban and VTB Europe SE are in default in these proceedings.

5. The Court hereby directs Bank of America, N.A. to surrender to Judgment Creditors' counsel any and all blocked funds that it holds of VTB Bank Europe, SE, less reasonable costs and fees incurred by Bank of America in this proceeding.

6. The turnover provided for by this Order is stayed until Bank of America, N.A. has served VTB Bank Europe SE with notice of these proceedings or an interpleader action pursuant to the Hague Convention, and VTB Bank Europe SE's time to respond has passed. Unless VTB Bank Europe SE makes a motion for relief from this judgment within its time to respond, Bank of America shall surrender the funds as provided in paragraph 6 above. If Bank of America, N.A. shall fail to institute Hague Convention service on VTB Bank Europe SE within 10 days of this Order, or fail to provide proof of Hague Convention service on VTB Bank Europe SE within 90 days of this Order, this stay shall be lifted and Bank of America, N.A. shall surrender the funds as provided in paragraph 6 above. Bank of America, N.A. may obtain a reasonable extension of its time to serve VTB Bank Europe SE upon a showing that it has taken reasonable efforts to promptly serve VTB Bank Europe SE under the Hague Convention.

7. Upon completing of the requirements herein, Bank of America, N.A. will be released from any liability to VTB Bank Europe SE (or anyone else with claimed ownership rights to the blocked funds) for the amount of the funds surrendered to Judgment Creditors, and discharged from this action for compliance with the Order of the Court.

IT IS SO ORDERED.

The Honorable Frank D. Whitney
United States District Judge